GOVERNMENT OF INDIA
EXTERNAL AFFAIRS
LOK SABHA

STARRED QUESTION NO:145
ANSWERED ON:27.07.2016
Fraudulent NRI Marriages
Chavan Shri Harishchandra Deoram;Khaire Shri Chandrakant Bhaurao

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether cases of Non-Resident Indians (NRIs) defrauding Indian women by marrying them under false pretences have been reported and if so, the details thereof;

(b) the arrests, if any, made in this regard during the last three years;

(c) the number of persons undergoing trial during the last three years; and

(d) the constraints faced by the Government in minimising the delays in such cases?

Answer

THE MINISTER FOR EXTERNAL AFFAIRS
(SHRIMATI SUSHMA SWARAJ)

(a) to (d) A statement is laid on the Table of the House.
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STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (d) OF THE LOK SABHA STARRED QUESTION NO. 145 REGARDING "FRAUDULENT NRI MARRIAGES" FOR ANSWER ON 27.07.2016

(a) The Ministry has been receiving petitions from Indian women stating that their non-resident Indian spouse has hidden the fact that he is already married or has a partner. Complaints pertain to abandonment of the Indian woman either in India or in the foreign country by the NRI spouse after the marriage. Most petitions received from Indian women pertain to:

i. Harassment and ill-treatment by the husband and his family;
ii. Loss of communication with the spouse after he goes abroad;
iii. Request for assistance in serving judicial summons for court proceedings in India;
iv. Assistance in obtaining maintenance and child support from the spouse;
v. Request for revoking and impounding passports of the spouse;
vi. Request for repatriation of the spouse to India; and
vii. Child-custody issues

(b) & (c) The Ministry does not have data regarding arrests of NRIs on charges of cheating Indian women by marrying them under false pretences. Foreign governments do not share such information with Indian Missions or the Ministry on grounds of confidentiality. Information regarding arrests made in India is not available with this Ministry as it falls under the purview of the State Governments.

(d) Since the NRI spouse resides outside India, following legal and other constraints are faced while addressing this complex issue:

i . When the Indian woman files a case in India or in the foreign country seeking redressal and restitution of marital rights, serving judicial summons on the spouse becomes difficult as his address abroad is not known in most cases.

ii. When the NRI husband is summoned to attend court proceedings in India, Indian Missions and Posts have no means enforcing the order abroad, except when the other country accepts the request for mutual legal assistance. The problem gets compounded when there are competing court orders, one from an Indian court and another from a court in the foreign country concerned.

iii. Revocation or impounding of Indian passports of the NRI husband is done by the Ministry only on the basis of a court order to this effect.

iv. The NRI husband sometimes initiates proceedings for ex-parte divorce in the foreign country without giving the Indian woman a chance to represent her position in the case.

v. Requests for repatriation or extradition of the spouse cannot be addressed as the Extradition Treaty can be invoked only in criminal cases. Several countries argue that cases filed under Section 498A of the IPC do not meet the condition of dual criminality, which is essential for extradition cases.

Inspite of all these constraints, Ministry is taking various steps to provide assistance to the aggrieved women. The steps taken by the Ministry are as follows:

a. Since the launch of Ministry's Grievance Redressal Portal "MADAD" on 21 February 2015, 246 grievances under "marital dispute" category have been received, of which 172 have been addressed. Since January 2016 Ministry has received another 362 petitions by post, email etc related to NRI marriages of which 344 have been addressed.

b. Under a special scheme set-up by the Ministry, legal and financial assistance has been provided to nearly 85 Indian women if the husband resides in 13 countries (USA, UK, Canada, Australia, New Zealand, Malaysia, Kuwait, Bahrain, Iraq, Singapore, Qatar, Saudi Arabia and the United Arab Emirates). The amount provided enables them to initiate legal proceedings against the spouse, avail counseling and for sustenance.

c. Ministry is providing information about legal options available to the Indian women; procedures to be followed for serving of judicial summons on the NRI husband; and lawyers and NGOs in foreign countries who can assist the petitioners. This information has been posted on the Ministry's website.

d. Many Indian Missions have designated 'Open House' meetings during which any distressed Indian national can approach the Mission for assistance and guidance.

e. Ministry of Women and Child Development (MWCD) has recently constituted an Inter-Ministerial Committee (IMC) which will submit recommendations about the legal and procedural hurdles faced by Indian women married to NRIs. The IMC includes officials from MWCD, Ministry of Home Affairs, Ministry of External Affairs and the NRI Commission in Punjab. We have recommended to MWCD that they may include in the IMC officials from Ministry of Law and Justice and the National Commission of Women.